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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,476	02/26/2004	Alexander Bietsch	HSJ920030074US1	6992
48583	7590	06/29/2006	EXAMINER	
BRACEWELL & PATTERSON, LLP			LUK, EMMANUEL S	
PO BOX 61389			ART UNIT	PAPER NUMBER
HOUSTON, TX 77208-1389			1722	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/787,476	BIETSCH ET AL
	Examiner Emmanuel S. Luk	Art Unit 1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 December 2004.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-40 is/are pending in the application.  
4a) Of the above claim(s) 18-40 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-12 is/are rejected.

7)  Claim(s) 13-17 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/26/04.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-17, drawn to an apparatus, classified in class 425, subclass 385.
  - II. Claims 18-40, drawn to a method, classified in class 264, subclass \*\*\*.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group II and Group I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be sued to practice another and materially different process such as only a first lithographic layer.

3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Michael E. Noe, Jr, a provisional election was made without traverse to prosecute the invention of Group I, claims 1-17.

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 18-40 are withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Objections***

6. Claims 10 and 14 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In regards to claim 10, this is a process limitation for use of the structure in removing the layer of resist. The claimed process is not a structural limitation. Claim 14 discusses placement of the workpieces on the bonding pad at speed. This is a process limitation of the intended use of the apparatus and does not further limit the structural limitation of the parent claim.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-3, and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bietsch (Journal of Applied Physics, October 1, 2000, Volume 88, No. 7) in view of Kojima (5548886).

Bietsch teaches a soft lithography technique wherein stamps of several layers of different elasticity and stiffness can be used for conformal contact and a thin-film PDMS stamp can be supported by stiff backplanes of quartz, glass, or steel foils.

Bietsch fails to teach a plurality of workpieces and adhesive.

Kojima teaches the manufacturing of a device having blocks 11, the blocks being held in position by adhesives. In regards to the multiple workpieces, this is merely a multiplication of parts for a multiplied effect.

It would have been obvious for one of ordinary skill in the art to modify Bietsch with an adhesive surface as taught by Kojima for securing the workpieces prior to operation.

In regards to claim 10, this is a process limitation for use of the structure in removing the layer of resist. The claimed process is not a structural limitation.

In regards to claims 11 and 12, the grooves in the pad can be a shape provided by the pattern.

11. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bietsch in view of Kojima as applied to claims 1-3 and 7-17 above, and further in view of Michel et al (Printing meets lithography: Soft approaches to high-resolution patterning, IBM Journal of Research and Development, Vol. 45, Number 5, 2001, Advanced Semiconductor Lithography).

Michel further teaches the hybrid stamp of “a patterned elastomeric layer attached (blue figure in Figure 2) attached to a thin bendable layer of metal, glass, or polymer (dark layer in Figure 2).” The “polymer layers of 200  $\mu\text{m}$  or thinner are also beneficial to avoid sagging of large recessed areas” and “thin layers on a rigid carrier are less susceptible to collapse because non-printing areas do not sag and the overall deformation of a thin layer is smaller.”

It would have been obvious for one of ordinary skill in the art to modify Bietsch in view of Kojima with the layers in the thickness as taught by Michel for having a flexible stamp that has "high placement accuracy and vertical conformability".

***Allowable Subject Matter***

12. Claims 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach an apparatus with the stamp having the laminate materials of polymer layer, pad, and glass between the polymer and pad with a carrier having a plurality of workpieces mounted to a bonding material consisting of sticky protrusions with drainage channels.

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (571) 272-1134. The examiner can normally be reached on Monday-Thursday 8 to 5 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on (571) 272-1316. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EL

*Joseph S. Del Sole*  
JOSEPH S. DEL SOLE  
PRIMARY EXAMINER  
*6/26/06*